

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWIN WALKER,

Plaintiff

v.

JEROME W. WALSH, et al., Defendants

CIVIL ACTION NO. 3:11-CV-1750 (Judge Nealon) (Magistrate Judge Carlson)

FILED SCRANTON

MAY 3 - 2012

ORDER

PBR [Signature] DEPUTY CLERK

NOW, THIS 3rd DAY OF MAY, 2012, for the reasons set forth in the Memorandum

issued this date, IT IS HEREBY ORDERED THAT:

- 1. The Report and Recommendation (Doc. 17) is ADOPTED;
2. Plaintiff's objections (Docs. 18, 19) are OVERRULED;
3. All claims and Defendants, except for the claim against Defendant Goyne for failing to protect Plaintiff by assigning him to a top bunk despite his age, are DISMISSED with prejudice;
4. The Clerk of Court is directed to TERMINATE Defendants Walsh, Gordon, Varner, Demming, and Kaye1 as parties to this action;
5. The Amended Complaint (Doc. 16) is STRICKEN;
6. The Clerk of Courts is directed to SERVE a copy of the original Complaint (Doc. 1) on Defendant Goyne;
7. This case is REMANDED to Magistrate Judge Carlson for further proceedings; and
8. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.

[Signature] United States District Judge

1The amended complaint names Defendants Demming and Kaye, but they were never added to the docket.